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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,218	08/04/2005	Sergey Matasov		5732

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Riga, 1048
LATVIA

EXAMINER

KASZTEJNA, MATTHEW JOHN

ART UNIT	PAPER NUMBER
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3739

MAIL DATE	DELIVERY MODE
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03/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,218

Applicant(s)

MATASOV, SERGEY

Examiner

MATTHEW J. KASZTEJNA

Art Unit

3739

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "invaginator", "a feeder", "an anal-sigmoid tube", "a spiral-knitted drain", "an anal sleeve", "two sleeves, joined by a flexible tube" and "a cavity of a feeder's cuff" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 1 recites the limitation "invaginator" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "feeder" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "anal-sigmoid tubus" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "a feeder" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "anal-sigmoid tubus" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "anal sleeve" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "everted part of invaginator" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "negative and the excess fluid pressure" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the cavity of a feeder's cuff" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the drain" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the hose" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the negative pressure" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 2, 4-7 and 9-10 are dependant upon claim 1, and thus are also rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,370,610 to Reynolds.

In regard to claims 1, 3 and 11-12, Reynolds discloses an intestinal intubator with drain and irrigator, comprising: a drain 20 enclosed in invaginator 11, an intractor

16 of invaginator with drain, which is a flexible tube, a feeder of intractor 36, a reel 62 with a branch pipe 58, an anal-sigmoid tubus 18, wherein the improvement comprises a hose 14a, 15a with punctures 20, enclosed into the drain (see Figs. 1-2 and Col. 5, Lines 40-65).

In regard to claims 2 and 4, Reynolds discloses an intestinal intubator with drain and irrigator, wherein the proximal ends of drain and invaginator are connected with the distal end of intractor and wherein the invaginator with drain and the intractor have a similar diameters and are placed on the reel in one row. (see Figs. 1-2).

In regard to claim 5, Reynolds discloses an intestinal intubator with drain and irrigator, further comprising a spiral-knitted drain with a resilience ensuring its intraction (see Fig. 2).

In regard to claims 6 and 10, Reynolds discloses an intestinal intubator with drain and irrigator, wherein the drain comprises a hose with and without punctures (see Fig. 4).

In regard to claim 7, Reynolds discloses an intestinal intubator with drain and irrigator, wherein the invaginator repeats the form of drain (see Fig. 2).

In regard to claims 8-9, Reynolds discloses an intestinal intubator with drain and irrigator, wherein the anal-sigmoid tubus is made of two sleeves, joined by a flexible tube (see Fig. 5).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. KASZTEJNA whose telephone number is (571)272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. J. K./
Examiner, Art Unit 3739

3/10/9